

ESTTA Tracking number: **ESTTA694366**Filing date: **09/08/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	VYGON
Granted to Date of previous extension	09/06/2015
Address	5 rue Adeline ECOUEEN, F-95440 FRANCE

Attorney information	Dianne Smith-Misemer Hovey Williams LLP 10801 Mastin Blvd., Suite 1000 Overland Park, KS 66210 UNITED STATES tmdocketing.misemer@hoveywilliams.com, litigation@hoveywilliams.com Phone:9136479050
----------------------	---

Applicant Information

Application No	86400329	Publication date	03/10/2015
Opposition Filing Date	09/08/2015	Opposition Period Ends	09/06/2015
Applicant	Vikon Surgical, LLC 2717 19th Place S. Birmingham, AL 35209 UNITED STATES		

Goods/Services Affected by Opposition


Class 009. First Use: 2013/03/00 First Use In Commerce: 2013/03/00 All goods and services in the class are opposed, namely: Batteries and battery chargers
Class 010. First Use: 2013/03/00 First Use In Commerce: 2013/03/00 All goods and services in the class are opposed, namely: Surgical headlamps; Belts for medical purposes, namely, belts worn by healthcare professional for supporting power sources for supplying power to surgical devices such as surgical headlamps


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4021503	Application Date	07/13/2010
Registration Date	09/06/2011	Foreign Priority	NONE

		Date	
Word Mark	VYGON		
Design Mark			
Description of Mark	The mark consists of the stylized term "VYGON" with the letter "G" in the form of a curving arrow and the word "VYGON" inside an oblong shape with a small triangle above the letter "Y".		
Goods/Services	Class 010. First use: First Use: 1984/06/00 First Use In Commerce: 1984/06/00 SURGICAL AND MEDICAL INSTRUMENTS FOR ANESTHESIA, INTENSIVE CARE, NEONATOLOGY AND SURGERY, NAMELY, INTRAVENOUS CATHETERS, ARTERIAL CATHETERS, EXTENSION TUBES FOR CATHETERS, STOPCOCKS FOR CATHETERS, RAMPS OF STOPCOCKS FOR CATHETERS; VALVES, FILTERS, AND CONNECTORS FOR INTRAVENOUS CATHETERS, ARTERIAL CATHETERS, EXTENSIONTUBES FOR CATHETERS, STOPCOCKS FOR CATHETERS, RAMPS OF STOPCOCKS FOR CATHETERS FOR USE IN THE FIELDS OF ANESTHESIA, INTENSIVE CARE, NEONATOLOGY AND SURGERY; ENDOTRACHEAL TUBES; FEEDING TUBES; SUCTIONTUBES FOR MEDICAL PURPOSES; VESICAL TUBES; SURGICAL AND THORACIC DRAINAGE TUBES; EPIDURAL NEEDLES AND CATHETERS, ENTERAL AND PARENTERAL FEEDING CATHETERS AND TUBES; CUSTOMIZED SETS COMPOSED OF EPIDURAL NEEDLES AND CATHETERS, ENTERAL AND PARENTERAL FEEDING CATHETERS AND TUBES		

U.S. Registration No.	3211611	Application Date	11/14/2005
Registration Date	02/20/2007	Foreign Priority Date	NONE
Word Mark	VYGON		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 0 First Use In Commerce: 0 Surgical and medical instruments for anesthesia, intensive care, neonatology and surgery, namely, intravenous catheters, arterial catheters, extension tubes for catheters, stopcocks for catheters, ramps of stopcocks for catheters; valves, filters, connectors and obturators for all of the foregoing goods; endotracheal tubes; feeding tubes; suction tubes; vesical tubes; surgical and thoracic drainage tubes; epidural needles and catheters.

Attachments	85083411#TMSN.png(bytes) 79019449#TMSN.png(bytes) Notice of Opposition_FINAL.pdf(155512 bytes) Exhibit A_RN 3211611.pdf(64999 bytes) Exhibit B_RN 4021503.pdf(782327 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Dianne M. Smith-Misemer/
Name	Dianne Smith-Misemer
Date	09/08/2015

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of)	
Serial No. 86/400,329)	
)	
VYGON,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
VIKON SURGICAL, LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

VYGON (“Opposer”), a corporation organized under the laws of France, having its principal place of business at 5 rue Adeline, Écouen, F-95440, France, believes that it will be damaged by the registration of U.S. Serial No. 86/400,329 and hereby opposes registration of the same under § 13 of the Trademark Act of 1946, 15 U.S.C. § 1063.

Applicant Vikon Surgical, LLC (“Applicant”) filed an application on September 19, 2014, U.S. Serial No. 86/400,329 (“Application”), under Section 1(a) of the Trademark Act, for the trademark VIKON for “Batteries and battery chargers” in International Class 009; and “Surgical headlamps; Belts for medical purposes, namely, belts worn by healthcare professional for supporting power sources for supplying power to surgical devices such as surgical headlamps” in International Class 010 (“Applicant’s Goods”). The United States Patent & Trademark Office (“USPTO”) published the Application for opposition in the *Official Gazette* on March 10, 2015, allowing time to oppose the Application up to and including April 9, 2015. On March 10, 2015, Opposer filed a First 90 Day Request for Extension of Time to Oppose the

Application until July 9, 2015. The Trademark Trial and Appeal Board (“TTAB”) granted Opposer’s First Request. On June 29, 2015, Opposer filed a 60 Day Request for Extension of Time to Oppose the Application with Applicant’s consent until September 6, 2015. Accordingly, Opposer has timely filed this Notice of Opposition.

OPPOSER’S WELL-KNOWN AND FAMOUS VYGON® TRADEMARK

1. For more thirty years, Opposer has sold a wide variety of surgical and medical instruments for anesthesia, intensive care, neonatology and surgery, including, but not limited to, catheters and catheter accessory parts, feeding tubes, suction tubes, endotracheal tubes, vesical tubes, surgical and thoracic drainage tubes and epidural needles and catheters (collectively, “Opposer’s Goods”) under and in connection with Opposer’s well-known and famous VYGON® trademark.

2. Opposer owns two current U.S. registrations for its well-known and famous VYGON® trademark for Opposer’s Goods. Specifically, Opposer owns U.S. Registration No. 3,211,611, filed on November 14, 2005 and issued on February 20, 2007, for VYGON® for “Surgical and medical instruments for anesthesia, intensive care, neonatology and surgery, namely, intravenous catheters, arterial catheters, extension tubes for catheters, stopcocks for catheters, ramps of stopcocks for catheters; valves, filters, connectors and obturators for all of the foregoing goods; endotracheal tubes; feeding tubes; suction tubes; vesical tubes; surgical and thoracic drainage tubes; epidural needles and catheters” in International Class 10 (“’611 Registration”). See Exhibit A. The ‘611 Registration is valid, subsisting and incontestable under Section 15 of the Trademark Act.

3. Opposer also owns U.S. Registration 4,021,503, filed on July 13, 2010 and issued on September 6, 2011, for VYGON® for “Surgical and medical instruments for anesthesia,

intensive care, neonatology and surgery, namely, intravenous catheters, arterial catheters, extension tubes for catheters, stopcocks for catheters, ramps of stopcocks for catheters; valves, filters, connectors and obturators intravenous catheters, arterials catheters, extension tubes for catheters, stopcocks for catheters, ramps of stopcocks for catheters for use in the fields of anesthesia, intensive care, neonatology and surgery; endotracheal tubes; feeding tubes; suction tubes for medical purposes; vesical tubes; surgical and thoracic drainage tubes; epidural needles and catheters, enteral and parenteral feeding catheters and tubes; customized sets composed of epidural needles and catheters, enteral and parenteral feeding catheters and tubes,” in International Class 10 (‘503 Registration.”). *See* Exhibit B. The ‘503 Registration is valid and subsisting. All goods listed in the ‘611 and ‘503 Registrations are also collectively referred to as Opposer’s Goods.

4. By virtue of Opposer’s extensive and continuous use of its VYGON® trademark, coupled with substantial sales and significant advertising and promotional activities, Opposer has achieved widespread consumer recognition of its VYGON® trademark for Opposer’s Goods. Consumer recognition of the VYGON® trademark in the United States is sufficiently widespread to create a strong consumer association of the VYGON® trademark with Opposer’s Goods. This widespread consumer recognition has created substantial and valuable goodwill among the relevant trade and public with respect to Opposer’s VYGON® trademark and has resulted in the VYGON® trademark achieving the status of a famous trademark.

5. Since Opposer began using its VYGON® trademark and its VYGON® trademark achieved fame prior to both Applicant’s September 13, 2013 Application filing date and March 2013 alleged date of first use in commerce, priority is not an issue in this proceeding.

COUNT I:
LIKELIHOOD OF CONFUSION

6. Applicant's use of the VIKON trademark ("Applicant's Mark") for Applicant's Goods so resembles Opposer's VYGON® trademark as to be likely to create confusion, mistake or deception under § 2(d) of the Trademark Act, 15 U.S. C. § 1052(d).

7. Applicant's Mark is nearly identical, both visually and aurally, to Opposer's well-known and famous VYGON® trademark.

8. Consumers who encounter the term VIKON , whether visually or aurally, in connection with Applicant's Goods will reasonably believe that such products are affiliated with, sponsored, endorsed or otherwise offered or approved by Opposer.

9. Applicant's Goods are closely related, identical and overlapping to, and complementary and possibly directly competitive with, Opposer's Goods. Specifically, both Opposer's Goods and Applicant's Goods are comprised of surgical instruments.

10. Applicant's VIKON-branded Goods could, can be and/or are advertised and sold in the very same trade channels as Opposer's Goods.

11. Applicant's VIKON-branded Goods could, can be and/or are purchased and used by the very same class of purchasers who purchase and use Opposer's VYGON-branded Goods.

12. As the Application has no limitation on trade channels, Applicant's Goods are presumed to move through all of the ordinary and usual channels of trade for such goods, further exacerbating the likelihood of confusion between Applicant's VIKON Mark and Opposer's VYGON® trademark.

13. Opposer has established substantial and valuable goodwill in connection with its VYGON® trademark. Having established such goodwill, Opposer is entitled to protection against use of confusingly similar marks such as Applicant's Mark.

14. If Applicant's Mark is allowed to register, purchasers are likely to believe that Applicant's Mark and Applicant's Goods offered in connection therewith originated with or are connected or associated with, or sponsored, licensed, endorsed or approved by Opposer, all to Opposer's detriment and damage. Undoubtedly, registration of Applicant's Mark will allow Applicant to wrongfully appropriate Opposer's valuable goodwill and reputation associated with its VYGON® trademark.

15. By reason of the foregoing, Opposer is likely to be harmed by registration of Applicant's Mark.

WHEREFORE, Opposer believes that as a result of the likelihood of confusion caused by Applicant's VIKON mark, Opposer will be damaged by the registration of Applicant's VIKON mark and prays that the Board sustain this Notice of Opposition and refuse to register Serial No. 86/400,329.

Opposer hereby appoints Dianne M. Smith-Misemer and Hovey Williams LLP, 10801 Mastin Boulevard, Suite 1000, Corporate Woods, Building 84, Overland Park, KS 66210, as its representative upon whom notices and process in proceedings affecting this proceeding may be served.

Respectfully Submitted,

Dated: September 8, 2015

/s/Dianne M. Smith-Misemer
Dianne M. Smith-Misemer
Cheryl Burbach
HOVEY WILLIAMS LLP
10801 Mastin Blvd., Suite 1000
Overland Park, Kansas 66210
(913) 647-9050 - Phone
(913) 647-9057 - Fax

ATTORNEYS FOR OPPOSER
VYGON

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be served upon the following via U.S. Mail this 8th day of September, 2015:

C. Brandon Browning, Esq.
MAYNARD COOPER & GALE, PC
1901 6th Ave. N, Suite 2400
Birmingham, AL 35203-4604

/s/Dianne M. Smith-Misemer
Dianne M. Smith-Misemer

Exhibit A

Generated on: This page was generated by TSDR on 2015-09-03 13:34:35 EDT

Mark: VYGON

VYGON

US Serial Number: 79019449

Application Filing Date: Nov. 14, 2005

US Registration Number: 3211611

Registration Date: Feb. 20, 2007

Register: Principal

Mark Type: Trademark

Status: A Section 71 and 15 declaration has been accepted and acknowledged.

Status Date: Nov. 20, 2012

Publication Date: Dec. 05, 2006

Mark Information

Mark Literal Elements: VYGON

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

International Registration Number: 0405082

International Registration Date: Jan. 09, 1974

Claimed Ownership of US Registrations: 2763518

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Surgical and medical instruments for anesthesia, intensive care, neonatology and surgery, namely, intravenous catheters, arterial catheters, extension tubes for catheters, stopcocks for catheters, ramps of stopcocks for catheters; valves, filters, connectors and obturators for all of the foregoing goods; endotracheal tubes; feeding tubes; suction tubes; vesical tubes; surgical and thoracic drainage tubes; epidural needles and catheters.

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: VYGON

Owner Address: 5 rue Adeline
F-95440 ECOUEN
FRANCE

Legal Entity Type: Société anonyme

State or Country Where Organized: FRANCE

Attorney/Correspondence Information

Attorney of Record	
Attorney Name:	Dianne Smith-Misemer
Correspondent	
Correspondent Name/Address:	Dianne Smith-Misemer Hovey Williams LLP 10801 Mastin Blvd., Suite 1000 Overland Park, KANSAS 66210 UNITED STATES
Phone:	913-647-9050
Fax:	913-647-9057
Domestic Representative - Not Found	

Prosecution History

Date	Description	Proceeding Number
Jan. 23, 2014	INTERNATIONAL REGISTRATION RENEWED	
Aug. 16, 2013	CHANGE OF NAME/ADDRESS REC'D FROM IB	
Nov. 20, 2012	NOTICE OF ACCEPTANCE OF SEC. 71 & 15 - MAILED	
Nov. 20, 2012	REGISTERED - SEC. 71 ACCEPTED & SEC. 15 ACK.	76293
Oct. 22, 2012	REGISTERED - SEC. 71 & SEC. 15 FILED	76293
Nov. 20, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Oct. 22, 2012	TEAS SECTION 71 & 15 RECEIVED	
Aug. 06, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 06, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 04, 2008	LIMITATION FROM THE IB EXAMINED, NO ACTION IS NEEDED	67445
Jun. 05, 2008	FINAL DECISION TRANSACTION PROCESSED BY IB	
Sep. 12, 2007	FINAL DISPOSITION NOTICE SENT TO IB	
Sep. 10, 2007	FINAL DISPOSITION PROCESSED	68359
Aug. 29, 2007	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Aug. 02, 2007	LIMITATION OF GOODS RECEIVED FROM IB	
Feb. 20, 2007	REGISTERED-PRINCIPAL REGISTER	
Dec. 05, 2006	PUBLISHED FOR OPPOSITION	
Nov. 15, 2006	NOTICE OF PUBLICATION	
Oct. 12, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Oct. 06, 2006	ASSIGNED TO LIE	70629
Oct. 01, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 25, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 21, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 21, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 08, 2006	REFUSAL PROCESSED BY IB	
May 22, 2006	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
May 22, 2006	REFUSAL PROCESSED BY MPU	68359
May 19, 2006	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
May 18, 2006	NON-FINAL ACTION WRITTEN	77073
May 18, 2006	ASSIGNED TO EXAMINER	77073
Jan. 26, 2006	NEW APPLICATION ENTERED IN TRAM	
Jan. 26, 2006	SN ASSIGNED FOR SECT 66A SUBSEQ DESIG FROM IB	

International Registration Information (Section 66a)

International Registration Number: 0405082

International Registration Date: Jan. 09, 1974

Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION

Date of International: Jan. 26, 2006

PROCESSED	Registration Status:
Notification of Designation Date: Jan. 26, 2006	Date of Automatic Protection: Jul. 26, 2007
International Registration Renewal Date: Jan. 09, 2024	
First Refusal Flag: Yes	

Maintenance Filings or Post Registration Information

Affidavit of Incontestability: Section 15 - Accepted
Affidavit of Continued Use: Section 71 - Accepted

TM Staff and Location Information

TM Staff Information	
TM Attorney: BELLO, ZACHARY R	Law Office Assigned: LAW OFFICE 111
File Location	
Current Location: GENERIC WEB UPDATE	Date in Location: Nov. 20, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: VYGON

Assignment 1 of 1

Conveyance: CHANGE OF NAME
Reel/Frame: [5090/0624](#)
Date Recorded: Aug. 16, 2013
Supporting Documents: [assignment-tm-5090-0624.pdf](#)

Pages: 2

Assignor

Name: [VYGON, SOCI?T? ANONYME](#)
Legal Entity Type: UNKNOWN

Execution Date: Jul. 11, 2013
State or Country Where Organized: FRANCE

Assignee

Name: [VYGON](#)
Legal Entity Type: NOT PROVIDED
Address: 5 RUE ADELIN
F-95440 ECOUEN, FRANCE

State or Country Where Organized: NOT PROVIDED

Correspondent

Correspondent Name: VYGON
Correspondent Address: 5 RUE ADELIN
F-95440 ECOUEN
FRANCE

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91220738](#)
Status: Pending
Interlocutory Attorney: ELIZABETH A DUNN

Filing Date: Feb 23, 2015
Status Date: Feb 23, 2015

Defendant

Name: Vikon Surgical, LLC
Correspondent Address: C BRANDON BROWNING
MAYNARD COOPER & GALE PC
1901 6TH AVE NORTH, SUITE 2400
BIRMINGHAM AL , 35203-4604
UNITED STATES

Correspondent e-mail: bbrowning@maynardcooper.com , tebbert@maynardcooper.com , ipdocket@maynardcooper.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
V VIKON	Opposition Pending	86159602	
Plaintiff(s)			

Name: VYGON

Correspondent Address: DIANNE SMITH-MISEMER
HOVEY WILLIAMS LLP
10801 MASTIN BLVD, SUITE 1000
OVERLAND PARK KS , 66210
UNITED STATES

Correspondent e-mail: tmddocketing.misemer@hovewilliams.com , litigation@hovewilliams.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
VYGON	739	79019449	3211611
VYGON	Registered	85083411	4021503

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 23, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 23, 2015	Apr 04, 2015
3	PENDING, INSTITUTED	Feb 23, 2015	
4	D MOT FOR EXT W/ CONSENT	Apr 07, 2015	
5	EXTENSION OF TIME GRANTED	Apr 08, 2015	
6	STIP FOR EXT	Jun 02, 2015	
7	EXTENSION OF TIME GRANTED	Jun 02, 2015	
8	STIP FOR EXT	Aug 03, 2015	
9	EXTENSION OF TIME GRANTED	Aug 03, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91218658](#)

Filing Date: Oct 02, 2014

Status: Pending

Status Date: Oct 02, 2014

Interlocutory Attorney: ROBERT COGGINS

Defendant	
Name: Vikon Surgical, LLC	
Correspondent Address: C. BRANDON BROWNING MAYNARD COOPER & GALE, PC 1901 6TH AVE N STE 2400 BIRMINGHAM AL , 35203-4604	
Correspondent e-mail: bbrowning@maynardcooper.com , tebbert@maynardcooper.com , ipdocket@maynardcooper.com	

Associated marks			
Mark	Application Status	Serial Number	Registration Number
V VIKON	Opposition Pending	86064214	
Plaintiff(s)			

Name: VYGON

Correspondent Address: Dianne Smith-Misemer
Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park KS , 66210
UNITED STATES

Correspondent e-mail: tmddocketing.misemer@hovewilliams.com , litigation@hovewilliams.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
VYGON	739	79019449	3211611
VYGON	Registered	85083411	4021503

Prosecution History			
Entry Number	History Text	Date	Due Date

1	FILED AND FEE	Oct 02, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 02, 2014	Nov 11, 2014
3	PENDING, INSTITUTED	Oct 02, 2014	
4	STIP FOR EXT	Nov 06, 2014	
5	EXTENSION OF TIME GRANTED	Nov 06, 2014	
6	STIP FOR EXT	Feb 04, 2015	
7	EXTENSION OF TIME GRANTED	Feb 04, 2015	
8	STIP FOR EXT	May 11, 2015	
9	EXTENSION OF TIME GRANTED	May 11, 2015	
10	STIP FOR EXT	Jun 02, 2015	
11	EXTENSION OF TIME GRANTED	Jun 02, 2015	
12	STIP FOR EXT	Aug 03, 2015	
13	EXTENSION OF TIME GRANTED	Aug 03, 2015	

Int. Cl.: 10

Prior U.S. Cls.: 26, 39 and 44

Reg. No. 3,211,611

United States Patent and Trademark Office

Registered Feb. 20, 2007

**TRADEMARK
PRINCIPAL REGISTER**

VYGON

VYGON, SOCIÉTÉ ANONYME (FRANCE SOCI-
ÉTÉ ANONYME)
5 À 11, RUE ADELINÉ
F-95440 ÉCOUEN
FRANCE

FOR: SURGICAL AND MEDICAL INSTRU-
MENTS FOR ANESTHESIA, INTENSIVE CARE,
NEONATOLOGY AND SURGERY, NAMELY, IN-
TRAVENOUS CATHETERS, ARTERIAL CATHE-
TERS, EXTENSION TUBES FOR CATHETERS,
STOPCOCKS FOR CATHETERS, RAMPS OF STOP-
COCKS FOR CATHETERS; VALVES, FILTERS,
CONNECTORS AND OBTURATORS FOR ALL OF
THE FOREGOING GOODS; ENDOTRACHEAL

TUBES; FEEDING TUBES; SUCTION TUBES; VESI-
CAL TUBES; SURGICAL AND THORACIC DRAI-
NAGE TUBES; EPIDURAL NEEDLES AND
CATHETERS., IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

OWNER OF INTERNATIONAL REGISTRATION
0405082 DATED 1-9-1974, EXPIRES 1-9-2014.

OWNER OF U.S. REG. NO. 2,763,518.

SER. NO. 79-019,449, FILED 11-14-2005.

ZACHARY BELLO, EXAMINING ATTORNEY

Exhibit B

Generated on: This page was generated by TSDR on 2015-09-03 13:35:36 EDT

Mark: VYGON



US Serial Number: 85083411

Application Filing Date: Jul. 13, 2010

US Registration Number: 4021503

Registration Date: Sep. 06, 2011

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 06, 2011

Publication Date: Jun. 21, 2011

Mark Information

Mark Literal Elements: VYGON

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized term "VYGON" with the letter "G" in the form of a curving arrow and the word "VYGON" inside an oblong shape with a small triangle above the letter "Y".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.15.03 - Arrows formed by words, letters, numbers or punctuation
26.05.21 - Triangles that are completely or partially shaded
26.11.26 - Oblongs as carriers for words, letters or designs

Related Properties Information

Claimed Ownership of US Registrations: 3010549, 3211611

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: SURGICAL AND MEDICAL INSTRUMENTS FOR ANESTHESIA, INTENSIVE CARE, NEONATOLOGY AND SURGERY, NAMELY, INTRAVENOUS CATHETERS, ARTERIAL CATHETERS, EXTENSION TUBES FOR CATHETERS, STOPCOCKS FOR CATHETERS, RAMPS OF STOPCOCKS FOR CATHETERS; VALVES, FILTERS, AND CONNECTORS FOR INTRAVENOUS CATHETERS, ARTERIAL CATHETERS, EXTENSION TUBES FOR CATHETERS, STOPCOCKS FOR CATHETERS, RAMPS OF STOPCOCKS FOR CATHETERS FOR USE IN THE FIELDS OF ANESTHESIA, INTENSIVE CARE, NEONATOLOGY AND SURGERY; ENDOTRACHEAL TUBES; FEEDING TUBES; SUCTION TUBES FOR MEDICAL PURPOSES; VESICAL TUBES; SURGICAL AND THORACIC DRAINAGE TUBES; EPIDURAL NEEDLES AND CATHETERS, ENTERAL AND PARENTERAL FEEDING CATHETERS AND TUBES; CUSTOMIZED SETS COMPOSED OF EPIDURAL NEEDLES AND CATHETERS, ENTERAL AND PARENTERAL FEEDING CATHETERS AND TUBES

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 1984

Use in Commerce: Jun. 1984

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: VYGON
Owner Address: 5, RUE ADELIN
ECOUEN 95440
FRANCE
Legal Entity Type: SOCIÉTÉ ANONYME (SA)

**State or Country Where
Organized:** FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: BREWSTER TAYLOR
Attorney Primary Email Address: btaylor@stites.com
Docket Number: T06546US00
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: BREWSTER TAYLOR
STITES & HARBISON PLLC
1199 N FAIRFAX ST STE 900
ALEXANDRIA, VIRGINIA 22314-1445
UNITED STATES
Phone: 703-739-4900
Fax: 703-739-9577
Correspondent e-mail: btaylor@stites.com
Correspondent e-mail Authorized: No

Domestic Representative

Domestic Representative Name: BREWSTER TAYLOR
Phone: 703-739-4900
Fax: 703-739-9577
Domestic Representative e-mail: btaylor@stites.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Sep. 06, 2011	REGISTERED-PRINCIPAL REGISTER	
Jun. 21, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 21, 2011	PUBLISHED FOR OPPOSITION	
May 17, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
May 11, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 03, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	73787
May 03, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	73787
Apr. 15, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 01, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 01, 2010	NON-FINAL ACTION E-MAILED	6325
Nov. 01, 2010	NON-FINAL ACTION WRITTEN	76738
Oct. 26, 2010	ASSIGNED TO EXAMINER	76738
Aug. 11, 2010	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	73787
Aug. 11, 2010	ASSIGNED TO LIE	73787
Jul. 27, 2010	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jul. 17, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Jul. 16, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 16, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 06, 2011

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91220738](#)

Filing Date: Feb 23, 2015

Status: Pending

Status Date: Feb 23, 2015

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Vikon Surgical, LLC

Correspondent Address: C BRANDON BROWNING
MAYNARD COOPER & GALE PC
1901 6TH AVE NORTH, SUITE 2400
BIRMINGHAM AL , 35203-4604
UNITED STATES

Correspondent e-mail: bbrowning@maynardcooper.com , tebbert@maynardcooper.com , ipdocket@maynardcooper.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
V VIKON	Opposition Pending	86159602	

Plaintiff(s)

Name: VYGON

Correspondent Address: DIANNE SMITH-MISEMER
HOVEY WILLIAMS LLP
10801 MASTIN BLVD, SUITE 1000
OVERLAND PARK KS , 66210
UNITED STATES

Correspondent e-mail: tmcketing.misemer@hoveywilliams.com , litigation@hoveywilliams.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VYGON	739	79019449	3211611
VYGON	Registered	85083411	4021503

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 23, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 23, 2015	Apr 04, 2015
3	PENDING, INSTITUTED	Feb 23, 2015	
4	D MOT FOR EXT W/ CONSENT	Apr 07, 2015	
5	EXTENSION OF TIME GRANTED	Apr 08, 2015	
6	STIP FOR EXT	Jun 02, 2015	
7	EXTENSION OF TIME GRANTED	Jun 02, 2015	
8	STIP FOR EXT	Aug 03, 2015	
9	EXTENSION OF TIME GRANTED	Aug 03, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91218658](#)

Filing Date: Oct 02, 2014

Status: Pending

Status Date: Oct 02, 2014

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Vikon Surgical, LLC

Correspondent Address: C. BRANDON BROWNING
MAYNARD COOPER & GALE, PC
1901 6TH AVE N STE 2400
BIRMINGHAM AL , 35203-4604

Correspondent e-mail: bbrowning@maynardcooper.com , tebbert@maynardcooper.com , ipdocket@maynardcooper.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

Plaintiff(s)**Name:** VYGON**Correspondent Address:** Dianne Smith-Misemer
Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park KS , 66210
UNITED STATES**Correspondent e-mail:** tmddocketing.misemer@hoveywilliams.com , litigation@hoveywilliams.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
VYGON	739	79019449	3211611
VYGON	Registered	85083411	4021503

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 02, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 02, 2014	Nov 11, 2014
3	PENDING, INSTITUTED	Oct 02, 2014	
4	STIP FOR EXT	Nov 06, 2014	
5	EXTENSION OF TIME GRANTED	Nov 06, 2014	
6	STIP FOR EXT	Feb 04, 2015	
7	EXTENSION OF TIME GRANTED	Feb 04, 2015	
8	STIP FOR EXT	May 11, 2015	
9	EXTENSION OF TIME GRANTED	May 11, 2015	
10	STIP FOR EXT	Jun 02, 2015	
11	EXTENSION OF TIME GRANTED	Jun 02, 2015	
12	STIP FOR EXT	Aug 03, 2015	
13	EXTENSION OF TIME GRANTED	Aug 03, 2015	

United States of America

United States Patent and Trademark Office



Reg. No. 4,021,503

Registered Sep. 6, 2011

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

VYCON (FRANCE SOCIÉTÉ ANONYME (SA))
5, RUE ADELINÉ
ECOEN, FRANCE 95440

FOR: SURGICAL AND MEDICAL INSTRUMENTS FOR ANESTHESIA, INTENSIVE CARE, NEONATOLOGY AND SURGERY, NAMELY, INTRAVENOUS CATHETERS, ARTERIAL CATHETERS, EXTENSION TUBES FOR CATHETERS, STOPCOCKS FOR CATHETERS, RAMPS OF STOPCOCKS FOR CATHETERS; VALVES, FILTERS, AND CONNECTORS FOR INTRAVENOUS CATHETERS, ARTERIAL CATHETERS, EXTENSION TUBES FOR CATHETERS, STOPCOCKS FOR CATHETERS, RAMPS OF STOPCOCKS FOR CATHETERS FOR USE IN THE FIELDS OF ANESTHESIA, INTENSIVE CARE, NEONATOLOGY AND SURGERY; ENDOTRACHEAL TUBES; FEEDING TUBES; SUCTION TUBES FOR MEDICAL PURPOSES; VESICAL TUBES; SURGICAL AND THORACIC DRAINAGE TUBES; EPIDURAL NEEDLES AND CATHETERS, ENTERAL AND PARENTERAL FEEDING CATHETERS AND TUBES; CUSTOMIZED SETS COMPOSED OF EPIDURAL NEEDLES AND CATHETERS, ENTERAL AND PARENTERAL FEEDING CATHETERS AND TUBES, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 6-0-1984; IN COMMERCE 6-0-1984.

OWNER OF U.S. REG. NOS. 3,010,549 AND 3,211,611.

THE MARK CONSISTS OF THE STYLIZED TERM "VYCON" WITH THE LETTER "G" IN THE FORM OF A CURVING ARROW AND THE WORD "VYCON" INSIDE AN OBLONG SHAPE WITH A SMALL TRIANGLE ABOVE THE LETTER "Y".

SER. NO. 85-083,411, FILED 7-13-2010.

KHANH LE, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.